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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/127,571 | 07/31/1998 | PAILY VARGHESE | COMP:0016 | 1413 |
| 1200 | 7590 | 10/24/2003 | EXAMINER | |
| AKIN, GUMP, STRAUSS, HAUER & FELD | | | TRAN, KHOA H | |
| 711 LOUISIANA STREET | | | ART UNIT | PAPER NUMBER |
| SUITE 1900 SOUTH | | | 3634 | |
| HOUSTON, TX 77002 | | | | |

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|-----------------------|---|--|
| Office Action Summary | Application No. | Applicant(s) <i>Sh</i> | |
| | 09/127,571 | VARGHESE ET AL. | |
| | Examiner Khoa Tran | Art Unit 3634 | |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | | |
| Period for Reply | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | |
| Status | | | |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>11 August 2003</u> . | | | |
| 2a) <input type="checkbox"/> This action is FINAL . | | 2b) <input checked="" type="checkbox"/> This action is non-final. | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | |
| Disposition of Claims | | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>52-68</u> is/are pending in the application. | | | |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration. | | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>52-68</u> is/are rejected. | | | |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. | | | |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement. | | | |
| Application Papers | | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | | |
| 10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>02/17/03</u> is/are: a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner. | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. | | | |
| If approved, corrected drawings are required in reply to this Office action. | | | |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: | | | |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received. | | | |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. | | | |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). | | | |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. | | | |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | | |
| Attachment(s) | | | |
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. | |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | | 6) <input type="checkbox"/> Other: _____. | |

Continued Prosecution Application

The request filed on August 11, 2003 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/127,571 is acceptable and a RCE has been established. An action on the RCE follows.

Drawings

The amendment filed on August 11, 2003 indicates the proposed drawing corrections were filed therewith. However, no drawing corrections are found with the responses. Accordingly, applicants are requested to resubmit the proposed corrections for the examiner's review.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: With respect to claims 52, 57, and 63, there is no antecedent basis in the disclosure for the support rail having a recessed portion.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 61-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicants regard as the invention. With respect to claim 61, it's unclear what kind configuration of the storage assembly applicants attempt to set forth for claiming. Further, it's unclear how does one pair of support rails and one pair of rail members constitute a configuration that supports a plurality of enclosures? Note the recitation of "at least one" implies more than one enclosure. Claim 62, lines 1-2, there is no antecedent basis for "the first and second telescoping rail assemblies". Claim 63 is misdescriptive and/or inaccurate because there is no disclosure of more than one computer component coupled to the first and second rail assemblies. Claim 64, line 2, there is no antecedent basis for the first and second telescopic rails". With respect to claim 68, line 2, it's unclear which assembly being referred to by "the telescoping rail assembly".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 52-54, 56-60, 62-66, and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Good et al. ('256). Good et al. ('256) disclose a storage assembly of a computer mounting system comprising:

a storage cabinet structure assembly (12)

a pair of rack members comprises a first pair of racks (14a and 16a) located on a first side of the storage assembly and a second pair of racks (14b and 16b) located on a second side of the storage assembly wherein the first side of the storage assembly is located opposite from the second side of the storage assembly;

a first support rail (52) having a recessed portion that supports a first telescoping slide rail assembly (42a) and at least partially interposed between the first pair of racks, wherein the first telescoping slide rail assembly comprises an inner telescoping slide rail (44) that does not extends beyond the first pair of racks and mounted to the first support rail and an outer telescoping slide rail (50) mounted to the inner slide rail;

a second support rail having a recessed portion that supports a second telescoping slide rail assembly (42b) and at least partially interposed between the second pair of racks, wherein the second telescoping slide rail assembly comprises an inner telescoping slide rail that does not extend beyond the second pair of racks and mounted to the second support rail and an outer telescoping slide rail mounted to the inner slide rail, wherein the first support rail and the first telescoping slide rail assembly are a mirror image of the second support rail and the second telescoping slide rail assembly;

a computer component enclosure (22) having a recess at a lower bottom of the enclosure and slidably couples between first and second telescoping slide rail assemblies such that the computer component enclosure is slidably moved in and out of the storage cabinet structure assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. ('256) as applied to claims 52-54, 56-60, 62-66, and 68 above, and further in view of Fall et al. ('505). Fall et al. ('505) teach a support rail (10) that is twice the size or twice the height of the rail assemblies (12), which are mountable to the support rail upper and lower portions. See Figure 1. It would have been obvious to one of ordinary skill in the art at the time of invention was made to substitute the support rail of Good et al. ('256) with the support rail that is twice the size or twice the height of the rail assembly as taught by Fall et al. ('505) in order to provide a choice of mounting the rail assembly on either the upper portion or the lower portion on each side of the support rail so that to suitable the desire arrangement of the computer component enclosure mounts thereon the rack.

Claims 61 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. ('256) as applied to claims 52-54, 56-60, 62-66, and 68 above, and further in view of Hastings et al. Good et al. ('256) do not clearly teach the presence of more than one computer component enclosure mounted in the storage cabinet structure assembly. However, Hastings et al. teach that more than one computer component enclosures (34) mounted in the storage cabinet structure assembly is notoriously old

and well-known per se. See Figure 2. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the storage cabinet structure assembly of Good et al. ('256) with at least two computer component enclosures as taught by Hastings et al. in order to house multiple computer components of computer system.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Mills et al. is cited to show devices having similar configurations of design.

Response to Amendment

Applicants' arguments filed on August 11, 2003 have been fully considered but they are not persuasive.

With respect to applicants' remarks that Good et al. ('256) fail to teach the claimed subject matter of the telescoping rail being at least partially "interposed between" a pair of rack members, the examiner respectfully disagrees. It should be noted that Figure 1 of Good et al. ('256) clearly illustrates the telescoping rail member (44) being at least partially interposed between a pair of rack members (14b and 16b). Further, this rail member is affixed to the support rail (52) and does not extend beyond the rack members as is clearly evident from Figure 1. In this regard, applicants should note that the rack members respectively set forth a forward and rearward boundary which the rail member (44) is clearly between and does not extend beyond. It would appear that applicants are relying upon the specification to impart to the claims

limitations otherwise not recited therein. However, this reliance is ineffective. The language of the claims should clearly define whatever relationship is desired.

With respect to the rejections based upon a combination of references, it appears that the rejections have only been argued to be improper because of the alleged deficiencies concerning the base claim, i.e., they stand or fall with respect to the rejection based on Good et al. ('256).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



Khoa Tran
October 15, 2003

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600